

P-999/CI-91-22

ORDER TO SHOW CAUSE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs
Tom Burton
Marshall Johnson
Dee Knaak
Don Storm

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Commission Investigation
into the Use of "Store and Forward"
Technology in Telephone Equipment
Operated in Minnesota

ISSUE DATE: October 9, 1995

DOCKET NO. P-999/CI-91-22

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PROCEDURAL HISTORY

On July 19, 1993, the Commission issued its ORDER AFTER RECONSIDERATION in this matter. In the Order, the Commission, among other things, directed

- all telephone companies operating in Minnesota (including store and forward providers) to submit annual reports by May 1, 1995;
- all non-inmate store and forward providers to “convert their payphones to require active acceptance for the imposition of charges” and to submit, with their next annual filing, a statement indicating that they had complied with the Commission’s requirement; and
- the Minnesota Department of Public Service (the Department) to file (by May 31, 1995) a report indicating whether or not individual providers had complied with the requirements of the Order.

On May 19, 1995, the Department filed a request for an additional 90 days in which to obtain the required information from the store and forward providers. The Department noted that to-date approximately half of the store and forward providers have submitted their annual reports to the Department. The Department indicated a belief that it would obtain the necessary information from the delinquent store and forward providers in time to make its report within 90 days of the report’s original due date, May 31, 1995.

On June 1, 1995, the Commission issued an Order granting the requested additional time. The Commission encouraged all store and forward providers who had not already done so to file

their annual reports at once, including forthcoming responses to the questions drafted by the Department relating to their provision of store and forward service.

On August 29, 1995, the Department filed its compliance report.

On September 26, 1995, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

I. The Department's Report

The Department's report covered compliance by non-inmate store and forward providers with

- the Commission's requirement to convert their payphones to require active acceptance for the imposition of charges and
- the statutory requirement that they file annual reports.

The Department reported that the following companies, possessing certificates of authority to provide store and forward service, had not filed their annual reports. In failing to do so, the Department noted, these companies had also not reported on their compliance with the Commission's requirement that they convert their payphones to require active acceptance for the imposition of charges, which was required as part of this year's annual report.

The companies identified by the Department were:

Andchi, Inc.
Bauer's Glen Lake Spur
Chaka A. Ali
Computer Assisted Technology, Inc.
DDP Communications
Fong's, Inc.
Holiday Inn - Drover's
Hubert's, Inc.
Robert F. Steinberg
Summit Liquor Store, Inc.
The Brake Shop
The Lotus Restaurant

The Department recommended that the Commission direct these companies to show cause why their certificates of authority to provide store and forward pay telephone service should not be revoked.

II. Subsequent Contact From Certain Certificated Store and Forward Providers

Subsequently, the Department was contacted by three of the certificate holders that the Department had identified as appropriately subject to a Show Cause Order: Bauer's Glen Lake Spur, Hubert's Inc., and Robert F. Steinberg.

Bauer's Glen Lake Spur verbally informed the Department that, despite the fact that it has a certificate of authority to provide store and forward service, its payphones do not in fact have store and forward capabilities. Bauer's Glen Lake Spur promised to submit its annual report promptly.

Hubert's, Inc. submitted its annual report on September 14, 1995 indicating that its payphones do not have store and forward capabilities.

Robert F. Steinberg verbally informed the Department that he is not currently operating a payphone. Mr. Steinberg stated that he would file an annual report promptly.

In light of these contacts, the Department revised its recommendation for these three parties, no longer requesting that the Commission direct these parties to show cause why their certificates of authority should not be revoked.

III. Commission Action

The Commission will accept the Department's recommendation, as revised. Non-compliance with the basic regulatory requirements (such as filing an annual report¹) is grounds for revocation of a certificated of authority, as is non-compliance with the Commission's directive that non-inmate store and forward providers convert their payphones to require active acceptance for the imposition of charges. It is appropriate that non-complying parties identified by the Department make a filing showing cause why their certificates of authority should not be revoked.

Regarding, the three parties excepted from the Department's recommendation, it is the Commission's understanding that if the promised filings are not made or if there is subsequent non-compliance with regulatory requirements, the Department may be renewing its recommendation.

ORDER

1. Within 30 days of this Order, the following holders of authority to provide store and

¹ See Minn. Stat. § 237.11 (1994).

forward service shall respond to this ORDER TO SHOW CAUSE, explaining why their certificates of authority to provide store and forward pay telephone service should not be revoked:

Andchi, Inc.
Chaka A. Ali
Computer Assisted Technology, Inc.
DDP Communications
Fong's, Inc.
Holiday Inn - Drover's
Summit Liquor Store, Inc.
The Brake Shop
The Lotus Restaurant

2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)